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8 UNITED STATES DISTRICT COURT
9 WESTERN DISTRICT OF WASHINGTON
AT TACOMA

10 JAMES DALE MOSELEY,

11 Plaintiff,

12 v.

13 DEPARTMENT OF SOCIAL AND
14 HEALTH SERVICES, et al.,

15 Defendants.

CASE NO. 3:17-cv-05427-BHS-JRC

ORDER GRANTING MOTION
FOR LEAVE TO FILE AMENDED
COMPLAINT

16 This 42 U.S.C. § 1983 civil rights matter has been referred to the undersigned Magistrate
17 Judge pursuant to 28 U.S.C. §§ 636 (b)(1)(A) and (B) and Local Magistrate Judge Rules MJR 1,
18 MJR 3, and MJR 4.

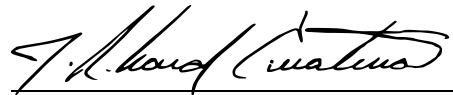
19 Plaintiff, represented by counsel, requests leave to file a third amended complaint. As a
20 matter of course, a party may amend its pleading once within 21 days of serving it or, if it is a
21 pleading that requires a response, within 21 days after service of the response. Fed. R. Civ. Proc.
22 15(a)(1). In all other cases, “a party may amend its pleading only with . . . the court’s leave.” *Id.*
23 (a)(2). “The Court should freely give leave when justice so requires.” *Id.* Here, plaintiff requests
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1 permission to file a third amended complaint and defendants do not oppose it. Plaintiff's counsel
2 explains that he filed the third amended complaint because it, "among other things, expands upon
3 the factual bases for the current [c]laims and adds necessary factual support." Dkt. 25 at 2.
4 Because this is plaintiff's first request to amend since being represented by counsel, plaintiff
5 includes additional factual allegations, and defendants do not oppose the motion, the Court
6 determines that it is in the interest of justice to allow plaintiff leave to file a third amended
7 complaint.

8 Therefore, it is ORDERED:

- 9 1) Plaintiff's motion for leave to file a third amended complaint (Dkt. 25) is granted.
10 2) The Clerk is directed to docket the proposed third amended complaint attached to
11 plaintiff's motion (Dkt. 25-1) as plaintiff's third amended complaint.

12 Dated this 21st day of November, 2017.

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15 J. Richard Creatura
16 United States Magistrate Judge
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